<u>**REMARKS/ARGUMENTS**</u>

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-43 are pending in this application.

<u>**Information Disclosure Statement (IDS):**</u>

An Information Disclosure Statement (IDS) was filed on February 18, 2005. A copy of the Form PTO-1449 of that IDS is attached hereto for the Examiner's convenience. Applicant respectfully requests that the Form PTO-1449 be fully initialed as an indication that the cited documents have been considered, and then returned to the undersigned.

<u>**Election/Restriction:**</u>

If the Examiner would like to discuss the election/restriction or any other issue pertaining to this application, the Examiner is invited to telephone the undersigned.

Page 2, lines 3-6 of the Office Action states "This application contains claims directed to the following patentably distinct species of the claimed invention: a game synchronization method between a plurality of networked game machines as shown Fig. 12, selecting music data in response to game synchronization between a plurality of game machines as shown in Fig. 13."

Page 19, lines 10-11 of the specification states "FIGS. 12 and 13 are other flowcharts of the unison evaluation process carried out in step S314 of FIG. 3." As described on page 23, lines 3-5 of the specification, Fig. 3 (including step S314) describes a basic game process carried out by game machines 1 which form a band. Moreover, page 25, lines 5-12 of the specification states the following:

> "Once the music ends, the main game machine 1 collects
> operation data recorded in step S312 from the sub game machine 1,

and under a predetermined technique, applies a unison evaluation process thereto including its own operation data (step S314).

In the above example of FIG. 3, the unison evaluation process is applied after the music play is completed."

The specification therefore makes explicitly clear that unison evaluation process performed by Fig. 12 or Fig. 13 is applicable to the process illustrated in Fig. 3 in which music is played. Accordingly, any allegation in the Office Action that only Fig. 13 (and not Fig. 12) is directed to music play is clearly erroneous.

The unison evaluation process of Fig. 12 is described in paragraphs [0044]-[0045] of the specification. The unison evaluation process of Fig. 13 is described in paragraph [0046] of the specification. The differences between the unison evaluation processes of Figs. 12 and 13 are exemplified by the following statement in paragraph [0046] describing the unison evaluation process of Fig. 13 (as opposed to the unison evaluation process of Fig. 12):

"Alternatively, out of the unison evaluation process carried out by the main game machine 1, a part relating to the correlation evaluation process may be carried out in a server, in which the game results are collectively controlled, and the result may be disclosed to the third party. FIG. 13 is a flowchart of the unison evaluation process in such a case."

The unison evaluation process of Fig. 12 relates to a separately provided machine which analyzes the unison key data received from each of the game machines, evaluates the correlation among the game machines, calculates a game score (unison score) based on the evaluation result, and transmits the score data to the corresponding game machines. (See page 34, lines 9-17 of the specification). The unison evaluation process of Fig. 13 relates to a server which receives unison key data, a session ID, a music ID transmitted from each game machine, classifies the unison key data into groups according

to the music and session ID, analyzes the classified unison key data so as to evaluate the correlation among the game machines on a group basis, calculates a game score (unison score) based on the evaluation result, generates ranking data of the unison scores on a music basis, and provides it to web pages or related magazines. (See page 35, lines 9-19 of the specification).

As discussed above, many of the differences between the two unison evaluation processes of Figs. 12 and 13 relate to the process of Fig. 13 being performed in a server in which game results are collectively controlled and disclosed to a third party (e.g., web pages or related magazines). While there are differences between the unison evaluation processes of Figs. 12 and 13, both processes ultimately involve calculating a game score (unison score) based on an evaluation result and both apply to step S314 of Fig. 3.

Applicant hereby confirms its previous election of Fig. 12. All pending claims (claims 1-43) are directed to Fig. 12. Applicant notes, however, that if Fig. 13 were elected, all of the pending claims (claims 1-43) would also be directed to Fig. 13. That is, there is no pending claim that is specifically directed toward the unison evaluation process of Fig. 12 but not the unison evaluation process of Fig. 13 (or vice versa). If the Patent Office withdraws a particular claim as being directed to non-elected Fig. 13, Applicant respectfully requests that the Patent Office provide specific reasoning regarding how these claims are specifically directed toward the unison evaluation process of Fig. 13 as opposed to the unison evaluation process of Fig. 12. In particular, Applicant respectfully requests that the Patent Office provide specific reasoning how these claims relate to a server in which game results are collectively controlled and disclosed to a third

party, which is the difference between the inventions of Figs. 12 and 13 identified by paragraph [0046] of the specification.

Applicant further notes that even if, for example, claim 7 were held to be directed to the non-elected invention of Fig. 13, Applicant submits that this claim should clearly be rejoined upon the allowance of, for example, base claim 1. As indicated by page 2, lines 15-17 of the Office Action itself, "Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141." Accordingly, claim 7 which depends from claim 1 should clearly be rejoined upon the allowance of claim 1. Claim 15 and claims 28-37 should also be rejoined upon the allowance of a generic claim. As discussed above, all claims are currently directed to the elected invention of Fig. 12. All claims are also directed to the non-elected invention of Fig. 13. Again, none of the claims are specifically directed to one type of unison evaluation process as opposed to the other (i.e., the unison evaluation process of Fig. 13 as opposed to the unison evaluation process of Fig. 12 or vice versa). For example, independent claim 1 requires "correlation evaluation section for evaluating correlation in terms of game operation...." Claim 1 does not include any specific limitation relating to the unison evaluation process of Fig. 12 as opposed to Fig. 13 or vice versa.

Accordingly, Applicant respectfully requests consideration of all pending claims.

NAKATSUKA et al.
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<u>Rejection Under 35 U.S.C. §103</u>:

Claims 1-6, 8-14, 16-27 and 38-43 were rejected under 35 U.S.C. §103 as

allegedly being unpatentable over Sonoda (U.S. '850) in view of Metke et al (U.S. '668,

hereinafter "Metke"). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, all of the claim limitations

must be taught or suggested by the prior art. The combination of Sonoda and Metke fails

to teach or suggest all of the claim limitations. For example, the combination fails to

teach or suggest "having, in response when the game is synchronously started, said

display means display information about the <u>operation timings of said operation switches</u>

<u>to be operated by the player based on said operation timing data</u> (emphasis added)," as

required by independent claim 1 and its dependents. Independent claims 13-14 and 26

and their respective dependents require a similar (but not necessarily identical) feature.

Sonoda discloses a system of setting up competitive video game fights between

different ones of a plurality of different video game units (1GL,1GR...4GL, 4GR).

Sonoda does not relate to a "music" video game in any way whatsoever.

The plurality of videogame units in Sonoda are connected in a ring configuration.

When a player operating a particular video game unit is willing to accept a challenge for

a competitive game, that video game unit will provide "competitive game desired" status

data in a specific position within packet data. Other video game units can identify and

receive this status data based on its position within a received data packet. This status

information will be displayed on the display screen of the other videogame units (see Fig.

6). For example, the status information of 2GL (21), 3GL (22) and 3GR (23) is shown in

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the display screen of another videogame unit in Fig. 6. A user may initiate processing to set up a competitive videogame fight by selecting a region (21-22) with a cursor.

With respect to the above identified claim feature, page 4, line 14 of the Office Action admits "Sonda (sic - Sonoda) lacks in disclosing all of the specific timing data." Indeed, the display screens of Figs. 2A-2B show a fighting scene involving two characters. These screens dislay no information regarding the operation timings of switches to be operated by the player. There is no timing information for example shown in Figs. 2A-2B informing the player when to operate a switch or button to control the videogame character to kick, punch, use a weapon, etc.

Page 4, line 14 to page 5, line 2 of the Office Action apparently alleges that Metke resolves the admitted deficiencies of Sonoda. In particular, page 4, lines 19-20 of the Office Action alleges that "Columns 5-9 disclose all of the specific timing data used to exchange information." Applicant respectfully disagrees with this allegation. Colums 5-9 of Metke discloses a system for networking electronic game units (e.g., a four player game). The system synchronizes the exchange of information between the electronic game units so that the game units can engage in interactive play with each of the game units operating on substantially a same sequence of incoming information. However, columns 5-9 of Metke do not disclose or suggest "having, in response when the game synchronously started, said display means display information about the operation timings of said operation switches to be operated by the player based on said operation timing data," as required by independent claim 1 and similarly required by independent claims 13-14 and 26.

Independent claim 1 further requires "correlation evaluation means for evaluating correlation in terms of game operation with said other game machines based on the data stored in said first operation timing storage means and said second operation timing storage means." All other independent claims (claims 12-15 and 25-26) require a correlation evaluation of some sort. Sonoda fails to disclose this further limitation. Sonoda's fighting videogame characters are in direct competition with each other. There is no team work or cooperation whatsoever and thus there is no need to evaluate correlation of game operation, let alone evaluate correlation game operation based on operation timings. Metke fails to disclose this further limitation. Accordingly, even if Sonoda and Metke were combined as proposed by the Office Action, the proposed combination would fail to teach or suggest this claim limitation. The Office Action does not appear to discuss this claim limitation in any detail whatsoever.

The combination of Sonoda and Metke fails to further teach or suggest the limitations recited in many of the dependent claims. For example, the combination fails to further teach or suggest determination of whether operation timings are within a predetermined range as required (in various forms) by dependent claims 2-5 and 16-19.
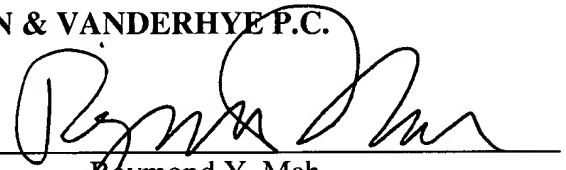
Conclusion:

Applicant believes that this entire application is in condition for allowance and

respectfully requests a notice to this effect. If the Examiner has any questions or believes

that an interview would further prosecution of this application, the Examiner is invited to

telephone the undersigned.

Respectfully submitted,

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